

INTRODUCTION

We, the members of the Thirty-Second Statewide Investigating Grand Jury, pursuant to Notice of Submission of Investigation Number 69, have received evidence and heard testimony pertaining to violations of the Crimes Code occurring in Delaware County, Pennsylvania, do hereby make the following findings of fact, and recommendation of charges:

FINDINGS OF FACT

This investigation was commenced based on a referral on April 11, 2011, from the Office of General Counsel, and the Office of Inspector General (OIG). The underlying investigation conducted by the OIG involved the conduct of Cynthia A. Lewis, Income Maintenance Caseworker, Delaware County Assistance Office, Department of Public Welfare. It was alleged that Ms. Lewis created and exclusively managed six public assistance accounts without authorization, approved more than \$250,000 in public assistance benefits through the accounts, and obtained benefits from the accounts through the use of an Electronic Benefit Transfer (EBT) card. As a result of the referral, the Office of Attorney General assumed jurisdiction under the Commonwealth's Attorney's Act, 71 P.S. § 732-205 (a)(6), and subsequently submitted the matter before the Thirty-Second Statewide Investigating Grand Jury. The Thirty-Second Statewide Investigating Grand Jury issued this presentment in furtherance of this ongoing investigation.

Denise White testified before the 32nd Statewide Investigating Grand Jury on July 25, 2011. White is the District Administrator of the Darby District of the Department of Public Assistance (DPA). She has been employed by the DPA for thirty-one years, and the Darby District is located at 845 Main Street in Darby, PA. White testified that in February of 2011, supervisory staff in Harrisburg requested that she look into computer transactions that were performed by Cynthia Lewis, who was an employee in the Darby District office. She was asked to investigate computer transactions

in a particular file. Ms. White approached Ms. Lewis at her desk and asked her for the file in question, which was assigned to her case load. Ms. Lewis assured Ms. White that she would look for the file, and bring it to White for her review. The file concerned a recipient by the name of Michael Levin.

Ms. White performed a computer search of the record in question and noticed that there was no case narratives input by Ms. Lewis or any other employee concerning the case actions that occurred regarding this file. White also noticed that there were seven EBT cards that were issued over approximately a one year period of time, yet ~~were~~^{there} was no narrative on the computer to indicate why this family was eligible for welfare benefits.

White then began to investigate the addresses associated with this case on the computer. White noticed that one of the addresses associated with the case was an address near where Lewis lived. This raised her suspicion and caused her to review all the transactions for the case over the past year and a half. White noticed that the case was opened and closed thirteen times over a period of nine months in the year 2010. All those transactions were performed by the same case worker, namely Cynthia Lewis. White opined that the chances of having the same case worker on all of these transactions were "slim to none".

By this point, an hour had passed since she last spoke to Cynthia Lewis. She returned to the work area of Ms. Lewis and found out that she had left sick for the day. According to Ms. White, Lewis never returned to work again.

Over the next several days, Ms. White performed a review of all of Cynthia Lewis' cases. During that period of time, Ms. White found six separate cases that involved the issuance of food stamps, cash special allowances, and medical benefits that totaled approximately \$250,000, that raised her suspicion of possible fraud.

Ms. White then testified concerning a summary of the suspicious cases involved. In Case #1 concerning Michael Levin, Ms. White found \$18,750.00 in cash special allowances, \$8,506.00 in food stamp benefits, and \$2,455.94 in medical benefits in suspicious transactions that were paid on that file.

In Case #2 concerning Halea Gordon, Ms. White found \$27,985.32 in cash special allowances, \$15,408.00 in food stamp benefits, and \$6,398.36 in medical benefits in suspicious transactions that were paid on that file.

In Case #3 concerning Catherine Rogers, Ms. White found \$38,115.30 in cash special allowances, \$17,146.00 in food stamp benefits, and \$4,438.67 in medical benefits in suspicious transactions that were paid on that file.

In Case #4 concerning Natea Gordon, Ms. White found \$29,989.20 in cash special allowances, \$10,309.00 in food stamp benefits, and \$7,468.25 in medical benefits in suspicious transactions that were paid on that file.

In Case #5 concerning Juanita Colon, Ms. White found \$25,099.00 in cash special allowances, \$11,916.00 in food stamp benefits, and \$9,761.70 in medical benefits in suspicious transactions that were paid on that file.

In Case #6 concerning Marie Johnson, Ms. White found \$15,857.95 in cash special allowances, and \$4,760.00 in food stamp benefits in suspicious transactions that were paid on that file.

White testified that she put a stop on all of the EBT cards in question on February 8, 2011. She testified that the case was then referred to the OIG for further investigation. During the course of that investigation, investigators with the OIG procured photographs of a person withdrawing money from various financial institutions. These withdrawals were among the suspicious transactions referred to in the six cases above. Ms. White was asked to review the photographs and identify the person in the

photographs if possible. Ms. White was able to identify the person in the photographs as Cynthia Lewis.

After concluding their investigation, the OIG prepared a report concerning all of the transactions in question on the six files in question. The transactions began on November 27, 2007 and continued until February 8, 2011. The total amount of money fraudulently acquired for each file was calculated as follows: Michael Levin - \$29,711.94; Halea Gordon - \$49,791.68; Catherine Rogers - \$59,699.97; Natea Gordon - \$47,766.45; Juanita Colon - \$46,776.70; and Marie Johnson - \$20,617.95. The grand total of all transactions, including cash special allowances, food stamps, and medical premiums were calculated at \$254,364.69.

Cynthia Lewis testified before the 32nd Statewide Investigating Grand Jury on November 8, 2011. Ms. Lewis was advised by the Court of her rights and duties as a grand jury witness and was placed under oath. She was accompanied by counsel at all times while testifying before the Grand Jury. Lewis testified that she was employed by the DPW at 845 Main Street in Darby, PA, as an income maintenance worker. She testified that she began her employment in 1990 and was terminated in April of 2011. She testified that near the end of 2007, she began to do things that were not legal and issued EBT cards to her home address on various cases. She stated that she did this in order to take money that she used to support a gambling habit. She was questioned specifically about the fraudulent transactions concerning the six cases summarized by Denise White. She recalled the names on all of the fraudulent case files and admitted to performing all of the illegal transactions. She admitted to performing numerous transactions mostly in 2009 and 2010 that involved well over \$200,000 in benefits. She testified that she used the money for two cruises and gambled the rest of the money away in various casinos in Pennsylvania and New Jersey.